



## COMMUNITY INFRASTRUCTURE LEVY - STATEMENT OF MODIFICATIONS

### March 2014

The Leeds Draft Charging Schedule was published for public consultation between 29<sup>th</sup> October and 10<sup>th</sup> December 2013. This 6 week period complies with Regulation 16 of the Community Infrastructure Levy Regulation (as amended) 2010. Leeds City Council received 41 representations to the CIL Draft Charging Schedule within the consultation period.

In accordance with Regulation 11 and 19 of the Community Infrastructure Regulations 2010 (as amended), this Statement of Modifications sets out the modifications which Leeds City Council has made to its Draft Charging Schedule since it was published for consultation in October 2013 in accordance with Regulation 16.

There are in total 23 modifications, which are set out in the table below, the majority of which reflect the changes arising from the 2014 Amendment Regulations. Text to be removed is shown as ~~strikethrough~~; inserted text is shown as underlined. All of the amendments are considered to be minor changes.

Mod No.	Draft Charging Schedule Reference	Modifications	Reason for modifications
1	Title page and 'Have Your Say'	<p><u>DRAFT CHARGING SCHEDULE – SUBMISSION VERSION (INCORPORATING MODIFICATIONS)</u>  <u>With tracked changes to show minor modifications to the Draft Charging Schedule (October 2013)</u>  <u>March 2014</u> <del>October 2013</del></p> <p><del>Leeds City Council is consulting on the Community Infrastructure Levy Preliminary Draft Charging Schedule from Tuesday 29<sup>th</sup> October 2013 to Tuesday 10<sup>th</sup> December 2013 (5.00pm). The Draft Charging Schedule and supporting documents are available for inspection at the following locations:</del></p>	To reflect the current stage of consultation on the Modifications

		<p><u>As part of the Submission for Examination of the Leeds Community Infrastructure Levy, Leeds City Council is consulting on the Draft Charging Schedule – Submission Version from xxx to xxx 2014 (5.00pm).</u></p> <p><u>The Council has proposed minor modifications to the previous Draft Charging Schedule (October 2013) as a result of the CIL Further Amendment Regulations (February 2014), revised CIL Guidance (February 2014), and representations received on the Draft Charging Schedule. Details of the modifications are set out in the separate Statement of Modifications (February 2014).</u></p> <p><u>N.B. due to Regulation 128A(2) ‘Transitional Provisions’ not all elements of the 2014 Amendment Regulations and the 2014 CIL Guidance apply as the Leeds Draft Charging Schedule was published before they came into force.</u></p> <p><u>This consultation is only on comments relating to these modifications. The Draft Charging Schedule – Submission Version and the Statement of the Modifications are available for inspection at the following locations:</u></p>	
2	Contents page	<p>Updated</p> <p><del>CIL will be applied to the chargeable floorspace of all new development apart from that exempt under Part 2 and Part 6 of the Community Infrastructure Levy Regulations 2010 (as amended by the CIL Regulations 2011, 2012, and 2013)</del></p>	<p>For accuracy</p> <p>Not necessary as set out in more detail on page 8</p>
4	Statement of Statutory Compliance	Regulations 2010 (as amended 2011, 2012, <del>and</del> 2013, <u>and 2014</u> )	To reflect 2014 Regulations
5	1.4	<del>and 2013, and 2014.</del>	To reflect 2014 Regulations
6	1.7	through the transfer of land <u>or the provision of infrastructure</u>	To reflect 2014 Regulations
7	1.9	The Government’s ‘CIL Guidance’ (April 2013 <u>and February 2014</u> )	To reflect 2014 Regulations

8	2.6	The methodology was in line with Government CIL Guidance, the Harman Report (Viability Testing Local Plans) (2012), and Royal Institute of Chartered Surveyors Guidance on Financial Viability in Planning (2012).	For clarity
9	2.14	<del>and includes that generally rates have been set to reflect brownfield rather than greenfield land, i.e. the lowest common denominator (other than residential in the Outer Northern and Outer Southern areas).</del>	For clarity
10	2.17	to separate out <u>supermarkets</u> <del>convenience</del> and comparison <u>retail</u>	See Modification 14 below
11	3.2	CIL will be applied on the chargeable floor space of all new development apart from that exempt under the Community Infrastructure Levy Regulations 2010 (as amended 2011, 2012, <del>and 2013, and 2014</del> ) and specifically Part 2 and Part 6. These exemptions from the CIL rates are: a) Where the gross internal area of a new buildings or extensions to buildings will be less than 100 square metres (other than where the development will comprise one or more dwellings); b) A building into which people do not normally go; c) A building into which people go only intermittently for the purpose of maintaining or inspecting <u>fixed plant or machinery</u> ; d) A building for which planning permission was granted for a limited period; e) Development by charities of their own land to be used wholly or mainly for their charitable purposes; f) Social Housing; g) <u>Vacant buildings brought back into the same use</u> ; h) Floorspace resulting from change of use development where part of the building has been in continuous lawful use for at least six months in the <u>three years</u> <del>twelve months</del> prior to the development being permitted; i) <u>Houses, flats, residential annexes and residential extensions which are built by 'self builders'</u> ; j) <u>Mezzanine floors of less than 200 square metres inserted into an existing building, unless they form part of a wider planning permission that seeks to provide other works as well.</u>	To reflect 2014 Regulations
12	3.3	The Council has chosen to adopt an Instalments Policy, which allows developers to pay their CIL charges in phased stages. This is set out in <del>Annex 2</del> <u>a separate document</u> .	For accuracy

13	3.4	The Council has chosen to adopt an Exceptional Circumstances Policy, whereby developers can request through a viability appraisal for some or all of the CIL charge to be waived. It is set out in <del>Annex 3</del> <u>a separate document</u> and has very narrow criteria; that the development would pay a <del>higher</del> S106 charge <del>than the total CIL charge</del> , and that the relief would not constitute State Aid <u>(which means that one company may only receive 200,000 euros of relief in each 3 year rolling period).</u>	For accuracy and to reflect 2014 Regulations
14	CIL Rates page 9	<p><del>Supermarkets* Convenience Retail ≥ 500 sqm in City Centre</del>  <del>Supermarkets* Convenience Retail ≥ 500 sqm outside of City Centre</del></p> <p><u>*Supermarket definition:</u>  <u>Larger format foodstores that sell a full range of grocery items and are shopping destinations mainly used for a person's main weekly food shop, although generally they also contain a smaller range of comparison goods.</u></p>	One representation queried how would work out the split of convenience and comparison within a supermarket. The intention of the 'convenience retail' definition was effectively to be a 'supermarket' and the other two supermarket operators who submitted representations assumed they would come entirely under the convenience category. The evidence in the Economic Viability Study relates to supermarkets with no reference to a split of retail floorspace within one. For clarity it is proposed to change 'convenience retail' to 'supermarket', plus a new definition.
15	3.6	index linked <u>from the date of adoption</u>	To reflect 2014 Regulations

16	3.7	(as amended 2011 and 2012 <u>and 2014</u> ) as set out after the maps.	To reflect 2014 Regulations
17	Calculation of Chargeable amount	<i>[Regulation 40 entirely updated to reflect 2014 requirements.]</i>	To reflect 2014 Regulations
18	4.0	CIL Draft Charging Schedule – <u>Submission Version (Incorporating Modifications)</u>	To reflect the current stage of consultation
19	4.1	If you have any comments on the Leeds Draft Charging Schedule – <u>Submission Version (Incorporating Modifications)</u> please write to the following address by 5.00pm on <del>xxx</del> Tuesday 10 <sup>th</sup> December 2013. <u>The Regulations only allow you to make comments on the modifications, and comments should be made by reference to the Statement of Modifications.</u>	To reflect the current stage of consultation
20	4.4	currently April <del>late</del> 2014	To reflect 2014 Regulations
21	Annex 1	<p>April <del>2015</del> 2014</p> <p><del>As it is possible for the CIL to be paid through a payment ‘in kind’ of land, this may be an option where it is not viable for a site to provide both CIL and on-site infrastructure through S106.</del></p> <p>The CIL Regulations allow for payments-in-kind in the form of <u>land or infrastructure</u> to be offset against the CIL liability where agreed by the Council as more desirable instead of monies.</p> <p>Land paid in kind may contain existing buildings and structures, and <u>land or infrastructure</u> must be valued by an independent valuer who, <u>in the case of land,</u> will ascertain its open market value, <u>and in the case of infrastructure the cost (including related design cost) to the provider.</u> <u>This will determine how much liability it will off-set.</u></p>	To reflect 2014 Regulations

22	Former Annex 2 Instalments Policy	<p><i>[Now separated from the Draft Charging Schedule to be a standalone document.]</i></p> <p>(as amended by the Amendment Regulations 2011, <u>2013</u> and <u>2014</u>)</p> <p>Where the amount of the levy payable is &gt;£50,000 Leeds City Council may consider an in-kind payment of land <u>or infrastructure</u>. Land that is to be paid in kind may contain existing buildings and structures and must be valued by an independent valuer who will ascertain its 'open market value', which will determine how much liability the in-kind payment will off-set. Payments in kind must be entered into and agreed before commencement of development. Land <u>or infrastructure</u> provided in kind must be provided to the same timescales as cash payments dependant on their value.</p>	<p>For clarity because the Council can alter or withdraw the Instalments Policy at any time in a separate process to a review of the Charging Schedule itself.</p> <p>To reflect 2014 Regulations</p>
23	Former Annex 3 Exceptional Circumstances Policy	<p><i>[Now separated from the Draft Charging Schedule to be a standalone document.]</i></p> <p>Before granting relief, the Council will need to be satisfied that <del>the costs relating to the section 106 agreement are greater than those related to the Community Infrastructure Levy, and that</del> the relief would not constitute notifiable State Aid as set out further below.</p> <p>(a) The charging authority-</p> <p><del>—(i) Considers that the cost of complying with the planning obligation is greater than the chargeable amount payable in respect of the chargeable development,</del></p>	<p>For clarity because the Council can withdraw the Exceptional Circumstances Policy at any time in a separate process to a review of the Charging Schedule itself.</p> <p>To reflect 2014 Regulations</p>

## **Submission**

As required under Regulation 19 of the Regulations, a copy of this Statement of Modifications has been sent to the relevant consultation bodies invited to make representations under Regulation 15 (Preliminary Draft Charging Schedule), and published on the Leeds City Council website. The Statement of Modifications will also be made available by the Council for inspection at:

- Development Enquiry Centre, Development Department, Leonardo Building, 2 Rossington Street, Leeds, LS2 8HD (Monday – Friday 8:30am – 5pm, Wednesday 9:30am – 5pm)
- All libraries across the Leeds District
- All One Stop Centres across the Leeds District

All the documents are published on the Council's website: <http://www.leeds.gov.uk/council/Pages/Community-Infrastructure-Levy.aspx>

Paper copies of documents can be requested from:

Leeds Community Infrastructure Levy      Email: LDF@Leeds.gov.uk  
Forward Planning and Implementation      Phone: CIL team – 0113 24 78076  
Leeds City Council  
Leonardo Building, 2 Rossington Street  
Leeds, LS2 8HD

## **Requests to be heard**

Any person may request to be heard by the Examiner in relation to the modifications as set out in this Statement of Modifications. Requests to be heard by the Examiner in relation to these modifications must be made in writing within the 4 weeks of submission by **xxx date** at the above postal address or email address.

Persons requesting to be heard should indicate whether they support or oppose the modifications and explain why.

In accordance with the Regulations, a copy of each request to be heard in relation to these modifications will be forwarded to the Examiner. Requests to be heard may be withdrawn at any time before the opening of the Examination by giving notice in writing to Leeds City Council.

Please note that it is no longer possible to comment on all other aspects of the Draft Charging Schedule. All requests must be directly related to the changes made in this Statement of Modification.